FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

(1) Jamel Brockington JS5785
(Name of Plaintiff) (Inmate Number)

301 Morea Road
(Address)

(2) _____
(Name of Plaintiff) (Inmate Number)

_____
(Address)

(Each named party must be numbered, and all names must be printed or typed)

vs.

(1) C.O. Wishenfsky

(2) _____

(3) _____
(Names of Defendants)

(Each named party must be numbered, and all names must be printed or typed)

3:Cv-12-0482
(Case Number)

CIVIL COMPLAINT

FILED
SCRANTON
MAY 04 2012
PER _____
DEPUTY CLERK

TO BE FILED UNDER: X **42 U.S.C. § 1983 - STATE OFFICIALS**
____ **28 U.S.C. § 1331 - FEDERAL OFFICIALS**

I. PREVIOUS LAWSUITS

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

None

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

A. Is there a prisoner grievance procedure available at your present institution? X Yes ____No

B. Have you fully exhausted your available administrative remedies regarding each of your present claims? X Yes ____No

C. If your answer to "B" is Yes:

1. What steps did you take? I filed a Grievance on 1-29-12 Grievance #409705 I have been waiting over Three months for a response.

2. What was the result? After waiting for a response on the Grievance I filed 1-29-12 I recaved a rejection stateing that the Grievance was not Dated Properly.

D. If your answer to "B" is No, explain why not: _____

_____

III. DEFENDANTS

(1) Name of first defendant: C.O. Wishenfsky

Employed as Correctional officer at SCI mahanoy
Mailing address: 3a morea Road Frackville PA 17932

(2) Name of second defendant: _____
Employed as _____ at _____
Mailing address: _____

(3) Name of third defendant: _____
Employed as _____ at _____
Mailing address: _____

(List any additional defendants, their employment, and addresses on extra sheets if necessary)

IV. STATEMENT OF CLAIM

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets if necessary.)

1. on 1-29-12 Defendant C.O. wishensky while working on RHU H-D Pod approched inmates Brackington cell seeing his hand in the tray slot start Slaming Brackington's hand in the tray slot several times in the tray Slot and

Then Stated Brockington would not be using his hand for a long time.

2. And that if Brockington ever filed another grievance against him he would Do it again Brockington's hand was Cut and bleeding badly and hurting him a lot Brockington Request sick call that same Day when the Prison medical tech arrived, Wishensky was standing there with the

3. medical tech, he was motioning to Brockington that he Brockington better not Put his hand in the trays slot and show the medical tech his hand Brockington stated to the medical tech what he feared would happen to his hand again if he Put his hand out to show the medical tech while CO Wishensky was

V. RELIEF

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. Plaintiff Brockington Pray that this Court enter Judgment Granting Plaintiff Brockington a declaration that the acts and omissions described herein violate his rights under the Constitution and laws of the United States. and A Preliminary and

2. Permanent injuntion ordering Wishenfsky to cease Physical Violence and threats toward Plaintiff Brockington and Granting Plaintiff Brockington Compensatory damages in the amount of $150,000 against the defendant Plaintiff also seek Punitive

3. damages in the amount of $150,000 Plaintiff also seek recovery of his Costs in this Suit.

4. Standing there and asked that the Block Lt be Present. later that same Day Lt Smith and [redacted] a different medical tech took Brockington to the triage and took Pictures of his hand and gave him treatment for his hand then on 2-1-12 C.O. Wishensky intered

5. H-C-Pod in which Brockington had been moved from H-D-Pod to H-C-Pod and C.O. Wishensky refused to feed Brockington stateing fuck him he's not eating.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 5-2-12 day of 5-2-12, 2012.

James Brockington JS5785
(Signature of Plaintiff)

Case 3:12-cv-00482-RDM-SF Document 15 Filed 05/04/12 Page 6 of 6

Jamel Brockington
JS5785
301 morea Road
Frackville PA 17932

HARRISBURG PA 171
03 MAY 2012 PM 2 L

USA
FIRST-CLASS
FOREVER

Office of Clerk
United States District Judge
Robert D. Mariani
William J. Nealon Federal BLDG & U.S. Courthouse
235 north washington Ave
P.O. Box 1148
Scranton, PA 18501-1148

RECEIVED
SCRANTON
MAY 04 2012
MARY E. D'ANDREA, CLERK
Per _____
DEPUTY CLERK

18501$1148

Inmate Mail PA DEPT. OF CORRECTIONS